



Personal Injury and Wrongful Death Claim Information Form, any separate instructions for the above documents, and anything submitted in conjunction with the above documents.

Docket No. 45-1 at 19.

Documents submitted to the NECC Tort Trust are relevant and discoverable. They likely contain information regarding the Plaintiffs' damages claims and alleged injuries. Several courts have found this type of documents to be discoverable. See, e.g., Willis v. Buffalo Pumps, Inc., No. 12cv744, 2014 WL 2458247, at \*1 (S.D. Cal. June, 2, 2014); Nat'l Union Fire Ins. Co. of Pittsburgh, PA v. Porter Hayden Co., No. CCB-03-3408, 2012 WL 628493, at \*3-5 (D. Md. Feb. 24, 2012); Shepherd v. Pneumo-Abex, LLC, No. 09-91428, 2010 WL 3431633, at \*1-2 (E.D. Pa. Aug. 30, 2010).

Plaintiffs argue that documents submitted to the NECC Tort Trust are not admissible because they relate to compromise and offers of compromise. Docket No. 49 at 3. However, such documents are more likely to be analogous to a complaint than a settlement demand. See Shepherd, 2010 WL 3431633, at \*2; Volkswagen of Am., Inc. v. Superior Court, 139 Cal. App. 4<sup>th</sup> 1481, 1494 (Cal. App. 2006). In any event, information within the scope of discovery need not be admissible in evidence to be discoverable. Fed. R. Civ. P. 26(b).

With respect to documents received by the Plaintiffs from the NECC Tort Trust, courts have generally found such documents to not be discoverable. See Willis, 2014 WL 2458247, at \*1 (collecting cases). This Court agrees.

Accordingly, the Court finds that all documents Plaintiffs submitted to the NECC Tort Trust, including claim forms and supporting documentation, are discoverable. Any such documents shall be produced within two weeks of the date of this order. The Court finds that documents received by the Plaintiffs from the NECC Tort Trust are not discoverable.

**So Ordered.**

/s/ Jennifer C. Boal  
JENNIFER C. BOAL  
United States Magistrate Judge